

ORIGINAL

D&F  
C/M

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GARDEN CITY BOXING CLUB, INC.,

Plaintiffs,

-against-

**MEMORANDUM AND ORDER**

Case No. 07-CV-4479 (FB) (RER)

TAQUERIA LA MIXTECA, INC. and SEBASTIAN  
RAMOS

Defendant.  
-----X

*Appearances:*

*For the Plaintiffs:*

PAUL J. HOOTEN, ESQ.

Paul J. Hooten & Associates

5505 Nesconset Highway, Suite 203

Mt. Sinai, New York 11766

**BLOCK, Senior District Judge:**

Acting on a referral from the Court, Magistrate Judge Ramon Reyes issued a Report and Recommendation ("R&R") on May 30, 2008 recommending that a default judgment of \$9,142 be entered in favor of plaintiff and against defendants. The R&R recited that "[a]ny objections to the recommendations made in this Report must be filed with the Clerk of the Court and the Honorable Frederic Block within ten business days of receipt hereof," and that "[f]ailure to file timely objections may waive the right to appeal the District Court's Order." R&R at 7. A copy of the R&R was sent by next day mail to defendants' last known address on June 2, 2008. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and

there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

Since there is nothing in Magistrate Judge Reyes’s thorough R&R that suggests plain error, the Court adopts it without *de novo* review.

**SO ORDERED.**

s/Frederic Block

  
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FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
September 3, 2008